

[G.]
[40.]
11,000-13-8-00.

Paper taken out of the Records from the charge of the Referencer.

Press
Miscellaneous No

Pension (1898) Department.

ORDINARY MS.

G.O., No. 288.

DATED 27 April 1898

[Despatch Abstract.]

Withdrawing the pension of S. Konda -
- saving Pelly Lake 1st Class Case of the
Madras City Police from the date on which
he was convicted by the High Court -

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Pension (1898) Department.

CURRENT No. 227

From
The Accountant General
Madras

Order, 27th April 1898 No. 288.

The pension will be with-
drawn from the 15th. ^{Feb} 1898,
in which the pensioner
the date of the commission of the
crime for which pensioner has been
convicted.



No. ²²⁷ 328

Dated 17 March 1898.

Received 18/3/98

Registered 18/3/98

Enclosures -

Spare copies -

To
The Accountant General.
Inpr. Genl. of Police.

SUBJECT

Enquiring whether the Pension
sanctioned to Jangore Thunda-
sawmy Pillay late i.e. No. 207
who was sentenced to death
should be withdrawn and
if so from what date.

Note The Constable's petitions for mercy to this - A+B
Govt & the Govt of India have both been rejected;
& the newspapers say that he will be hanged
at the Penitentiary at 6 am. on Tuesday next.

Officer Why is not the Sp.
deciding the date for
which the pension is such
which the pensioner is such
now careful in future

BACK PAPERS.

G.O.	No.	Department.	Date.
"	287	Pension	10-3-94

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Sir,

There is no G.O. deciding the date from which the pension in such cases should be withheld. Enquiries were also made in the Rectt. Genl. office. It is submitted that the pension in the present case may be withheld from the date of the commission of the crime, as in the case disposed off G.O. 397 Pension: herewith put up - flag D.

Open -
Then was a G.O. subsequent to G.O. 397 and about the same case. Put it up & explain why it was not put up before.
Mk
24.98

Sir,

Please see G.O. 618 Pension: herewith put up. This G.O. was, it is submitted, not put up before, as it was considered unnecessary. In the note for orders under this G.O. the U.S. has stated that pensions are stopped with effect from the date of offence. It is respectfully submitted that this is not always the case, as the pension are stopped also from the date of sentence of the Court or of Magistrate.
vide G.O. 39 Pension. As the offence was a very serious one in the case now under disposal, it was thought that the pension should be withdrawn from the date of its commission.
Mk
24.98

This is put to the point - full reference is always to be put up.

Put up a list of all G.O.s in such cases pending in each case nature of the offence and the date when the pension was stopped.

Return the last 5 years

10-1-1898

Pension

DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

17 March 1898.

No. 2 P.D. 328.

From

G. C. Harrison Esq.,

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

The Secretary to Government,
Pension Department.

Sir,

I have the honour to state that Sanyase Thunda - sanyasi Pillai, late 1st Class Constable No. 207 of the Madras City Police, to whom an Invalid pension of Rs 5-7-8 p month was granted under Government Order No. 287 dated the 10th March 1894, committed on the 15th October 1897, the offence of culpable homicide amounting to murder by causing the deaths of two persons. He was tried at the last Sessions of the High Court, and was found guilty and sentenced to death. In submitting the case agreeably to Article 383 of the Civil Service Regulations I beg to enquire whether the pension sanctioned to him should be withdrawn, and if so, from what date. I would add that Kandasami Pillai drew his pension.

pension from this office up to 30 September 1897, and
that he has since submitted his claim to pension
for the subsequent period through the Superintendent
of Prisons for the Town of Madras. But the pay-
ment has been deferred pending orders on this reference.

I have the honour to be,

Yours most obedient servant,

William
Accountant General.

Sery

A pensioned police
constable Kandasamy
has been convicted by
the High ^{Court} on some date
in Feby (exact date
does not appear from the
papers) of a murder
committed on the 15th
Oct 97.

His ^{of the S. S. C.} Govt have declined
to interfere with the
sentence of death
& he is to be executed
tomorrow.

The Acct Genl
~~forward~~ makes a
reference as to his
pension.

Should it be
with held & from what
date?

It has been drawn
up to 30 - Sep 97.

The precedents are
not uniform. In some
cases Govt has with the

C. H. 4/10/97
14/10

the pension from the date of offence & in them from the date of conviction.

As continued good behaviour is the condition of the grant of every pension; such condition is, it is submitted, broken when the offence is committed, tho' Court is not in a position to determine this date till the ^{pensioner} has been convicted. I submit therefore that the pension should be withdrawn from the date of the offence in this & similar cases.

In that case half a month's pension viz from 1-15th Oct 97 will be due to hand as salary is about 2 Rs 11 as 10p. He wants to give this to his little son before his death (vide telephonic message from S. just received). Immediate letter may therefore be submitted

find
If there is no rule or established usage under which he cannot forfeit his pension from the date of the commission of his offence, I think the general rule that a Pension is payable up to the date of the death of the Pensioner, is not applicable. I cannot find that there is any fixed rule or established usage; I think therefore the Govt. may see fit to make this decision. The Pension cannot

to H.E. the Governor
Circulated as the matter has attracted public attention owing to an article in the "Madras Times"

4/4/98
+ I would pay the pension to the widow up to the date of death. 4-4-98

* or whatever is due to him

Mr. I think I must be in the field from date 4/4/98
Yes 24/

See

A.S. has queried the statement in the note above that continued good behaviour is the condition of the grant of every pension. This was based on Art 382 of the C.S.R. There are no cases on record in which the pension has been withdrawn from a date subsequent to the date of conviction, within the last 10 years. ~~except one or two cases~~ (except a doubtful case in 1889). A statement of cases within the last 10 years in which pension has been withdrawn on account of an offence committed is appended. It will be seen that the usual rule was to withdraw the pension from the date of conviction or (what is the same date) the date of sentence.

14/4/98

A =
B =
P = Copy
Q = Copy heading only.

Press

Phase see H's notes.
The H's note above calls attention
art. 383 C.S.R. & to the
precedents.

As future Good Conduct
is a condition of any grant
of pension, the pension ought
logically to be withheld from
the date of the offence, but
as there are so many pre-
cedents in favour of withholding
it only for the date of
conviction I will not object
to what is proposed.

16/4/98

To H.E. the Governor
8.7.18/4/98

I am not aware that future good conduct
is any condition of any grant of Pension.
Indeed, I cannot see how it can be, as we do
not possess the gift of prescience. But, I
accept the compromise proposed in the Hon.
Mr. Home's note of 16.4.98.

A.S.H.
22.4.98

Secy
Please see draft order
on the ticket

11/4
23/4/98

INDIAN TELEGRAPHS. Monthly Number.

Telephonic			From (Office)	16/4/98
Day.	Hour.	Minute.	Official Instructions.	
4	12	50		
Secy to Govt Pension Dept			From (Person)	Accountant General

Ency see my office letter to I.A.D. dated
3.98 Pension Dept. The Superintendent
Prisons for the town of Madras informs
that convict Cundasaamy who is to be
executed tomorrow wishes to hand over
amount of arrears of Pension to his
de son before his death, if Govt
orders any immediate action necessary
in you kindly communicate direct with
Supt of Prisons on the subject

P.L. V. Urgent:
We know the date to which
Cundasaamy has drawn his
pension: Put up the file
sharp.

Sir Please see Acct. Genl's letter herewith
up. Cundasaamy has drawn his pension
up to 30-9-97.

16/4/98
It has been ordered that the date of
the offence viz 15 Oct 97.
be taken as the date for payment of arrears
at 11/4/98

A = Copy in full.
B = Not to be copied.
P = Copy abstract only

100

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

Issue 8 1/2 in 18.

Pension (1898) Department.

CURRENT No. 285

7.2.20/48

1st

Endt. No. 290 27-4-98.
~~Order~~

Returned to the memorialist

with reference to rule No 8 below:-

Rule 8. (2nd)

1st
23.4.98

18th
23/4/98

To The Memorialist
with Memorial Enclos. }

Note.

The memorial and its enclosures have not been authenticated
by the signature of the Memorialist on each sheet as required by
rule VIII of the (A) Memorial rules. - flag B -

1st
23.4.98

From

T. Sathapathi Pillai,
Late Clerk, Acctt. Genl's Office.

No. --

Dated 20/4.

Received 22/4.

Registered do

Enclosures 2

Spare copies. nil

SUBJECT.

Submitting a Memorial addressed to the Sec^y of State
praying for the grant of a gratuity for his service rendered
as Manager in the office of the Committee for the exami-
nation of Assistants from 1870 to 1881.

BACK PAPERS.

G.O.	No.	Department.	Date.
"	332/3	Per	18-5-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.